



Docket No.: PC-0041 CIP

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By

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yue et al.

TECH CENTER 1600/2900

Title: PROGESTERONE RECEPTOR COMPLEX P23-LIKE PROTEIN

Serial No.: 09/867,958

Filing Date: May 29, 2001

Examiner: Nolan, P.

Group Art Unit: 1644

Box Non-Fee Amendment

Commissioner for Patents

Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Sir:

This paper is responsive to the Restriction Requirement and Request for Election dated October 1, 2002, setting a one (1) month term for response.

Restriction Requirement

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (claims 1-6) drawn to a polynucleotide, a host cell and a vector with said polynucleotide.

Group II (claims 7-10) drawn to a method of detection using said polynucleotides.

Group III (claims 11-12) drawn to a screening assay using combinatorial cDNA.

Group IV (claims 13-14) drawn to a polypeptide.

Group V (claims 15-16) drawn to a screening assay with combinatorial polypeptide.

Group VI (claim 17) drawn to a method of making an antibody.

Applicants hereby elect, with traverse, to prosecute Group I, which includes and is drawn to Claims 1-6. Applicants submit that the search for the polynucleotides encoding SEQ ID NO:1 and their method of use in producing a polypeptide of SEQ ID NO:1 would be co-extensive with a search of the polypeptide itself, as well as for other methods of use of the polynucleotides of Group I that are limited in scope to the polynucleotide composition of matter of claim 1. Therefore, Applicants request reconsideration of the Restriction Requirement and examination of all claims in Groups I- IV, claims 1-14. In the event that the Restriction Requirement is maintained, Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: October 23, 2002 David G. Streeter

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